

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
 United States District Court  
 Middle District of Florida

**MEMBERS:**

Judge John F. Keenan  
 United States District Court  
 Southern District of New York

Judge Bruce M. Selya  
 United States Court of Appeals  
 First Circuit

Judge D. Lowell Jensen  
 United States District Court  
 Northern District of California

Judge J. Frederick Motz  
 United States District Court  
 District of Maryland

Judge Robert L. Miller, Jr.  
 United States District Court  
 Northern District of Indiana

Judge Kathryn H. Vratil  
 United States District Court  
 District of Kansas

FILED  
 IN CLERKS OFFICE

2004 APR 21

U.S. DISTRICT COURT  
 DISTRICT OF MASS.

**DIRECT REPLY TO:**

Michael J. Beck  
 Clerk of the Panel  
 One Columbus Circle, NE  
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April 21, 2004

Felicia C. Cannon, Clerk  
 Edward A. Garmatz Federal  
 Building & U.S. Courthouse  
 101 W. Lombard Street  
 Baltimore, MD 21201-2690

Re: MDI-1586 -- In re Mutual Funds Investment Litigation

(See Attached Schedule CTO-2)

Dear Ms. Cannon:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on April 5, 2004. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
 Clerk of the Panel

By *Mecca Carter*  
 Deputy Clerk

**Attachments**

cc: Transferee Judges: Judge J. Frederick Motz; Judge Andre M. Davis  
 Judge Frederick P. Stamp, Jr., Judge Catherine C. Blake  
 Transferor Judges: (See Attached List of Judges)  
 Transferor Clerks: (See Attached List of Clerks)

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2004 APR 26 P 1:02

DOCKET NO. 1586

U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE MUTUAL FUNDS INVESTMENT LITIGATION.****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-2)**

On February 20, 2004, the Panel transferred 91 civil actions to the United States District Court for the District of Maryland for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 152 additional actions have been transferred to the District of Maryland. With the consent of that court, all such actions have been assigned to the Honorable J. Frederick Motz, the Honorable Andre M. Davis and the Honorable Frederick P. Stamp, Jr.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Maryland.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Maryland for the reasons stated in the order of February 20, 2004, \_\_\_\_ F.Supp.2d \_\_\_\_ (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable J. Frederick Motz, the Honorable Andre M. Davis and the Honorable Frederick P. Stamp, Jr.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Maryland. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Michael J. Beck*

Michael J. Beck  
Clerk of the Panel

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

APR 21 2004

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-2 - TAG ALONG CASES**  
**DOCKET NO. 1586**  
**IN RE MUTUAL FUNDS INVESTMENT LITIGATION**

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DISTRICT DIV. CIVIL ACTION#

CALIFORNIA NORTHERN

CAN	3	04-583	Leo K.W. Lum v. Franklin Resources, Inc., et al.
CAN	3	04-584	Frederic Ian Fischbein, etc. v. Franklin Age High Income Fund, et al.
CAN	3	04-598	Catherine Dukes v. Franklin Age High Income Fund, et al.
CAN	3	04-628	Ryan Mcalvey, et al. v. Franklin Resources, Inc., et al.
CAN	3	04-639	Stephen Alexander v. Franklin Age High Income Fund, et al.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

COLORADO

CO	1	04-151	Jonathan Gallo v. Invesco Funds Group, Inc., et al.
CO	1	04-152	Robert S. Ballagh, Jr. v. Invesco Funds Group, Inc., et al.
CO	1	04-281	Joel Goodman v. Invesco Funds Group, Inc., et al.
CO	1	04-360	Carl E. Vonder Haar, et al. v. Invesco Funds Group, Inc., et al. Opposed 4/21/04

DELAWARE

DE	1	04-51	Sylvia Volin, etc. v. Janus Capital Group, Inc., et al.
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FLORIDA MIDDLE

FLM	8	04-249	Gisele Beer v. Franklin Age High Income Fund, et al.
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KANSAS

KS	2	04-2091	Julie Parisi, etc. v. Marsh & McLennan Co., et al.
KS	2	04-2092	Julie Parisi, etc. v. Alliance Capital Management Holding, L.P., et al.

MASSACHUSETTS

MA	1	04-10169	Edward L. Segel, et al. v. Putnam Investment Management, Inc., et al.
MA	1	04-10219	Simon Denenberg, etc. v. Putnam Investment Management, Inc., et al.
MA	1	04-10405	Steven B. Ehrlich, etc. v. Columbia Acorn Fund, et al.

*Quiz*  
*PBS*

*✓*  
*Close*

NEVADA

NV	2	04-146	Howard Jaffe v. Mutual Beacon Fund, et al.
NV	2	04-154	Jeffrey Bennett v. Daniel G. Calugar, et al.

NEW YORK EASTERN

NYE	1	04-409	Douglas A. Hinton, etc. v. Deutsche Bank AG, et al.
NYE	2	03-6285	Simon J. Denenberg v. Alliance Capital Management, L.P., et al.

NEW YORK SOUTHERN

NYS	1	03-8375	Eileen Clancy v. Strong Advisor Common Stock, et al.
NYS	1	03-8594	Lori Weinrib v. Strong Financial Corp., et al.
NYS	1	03-10305	John Li, etc. v. John D. Carifa, et al.
NYS	1	04-100	Joan Gassisi v. AllianceBernstein Technology Fund, Inc., et al.
NYS	1	04-259	Jo-Anne R. Scheider v. AllianceBernstein Growth & Income Fund, Inc., et al.
NYS	1	04-353	Frank A. Wood, Jr. v. Marsh & McLennan Companies, Inc., et al.
NYS	1	04-481	John R. Granelli, et al. v. The Charles Schwab Corp., et al.
NYS	1	04-492	Lori Weinrib v. Invesco Funds Group, Inc., et al.
NYS	1	04-520	Michael Smith v. Scudder 21st Century Growth Fund, et al.
NYS	1	04-578	Michael Malone v. Scudder 21st Century Growth Fund, et al.
NYS	1	04-605	John Driscoll v. Deutsche Bank AG, et al.
NYS	1	04-687	Mike Atassi v. Scudder 21st Century Growth Fund, et al.

DISTRICT DIV. CIVIL ACTION#

NYS	1	04-713	Eileen Clancy v. Invesco Advantage Health Sciences Fund, et al.
NYS	1	04-915	Scott Waldman v. Invesco Funds Group, Inc., et al.
NYS	1	04-943	Vincent Bommarito v. Marsh & McLennan Companies, Inc., et al.
NYS	1	04-1044	First Derivative Traders v. Marsh & McLennan Companies, et al.
NYS	1	04-1072	Joanne Adams v. Putnam American Government Income Fund, et al.
NYS	1	04-1101	Aaron Walker, et al. v. Scudder 21st Century Growth Fund, et al.
NYS	1	04-1235	Karen M. McKenna v. Scudder 21st Century Growth Fund, et al.
NYS	1	04-1330	Hugh Sharkey Ira/Ro v. Franklin Resources, Inc., et al.
NYS	1	04-1331	Mike Atassi v. Scudder 21st Century Growth Fund, et al.
NYS	1	04-1603	Alfred Doiron v. Scudder Advisor Funds, et al.
NYS	1	04-1604	Jimmy Chin v. Scudder 21st Century Growth Fund, et al.

VERMONT

~~VT 1 04-23 Kaveh S. Shahi, et al. v. Putnam Investments Opposed 4/20/04~~

WISCONSIN EASTERN

WIE	2	03-1260	Jeffrey W. Bader, et al. v. Strong Capital Management, Inc., et al.
WIE	2	04-123	Sarah Ross Trust, etc. v. Strong Financial Corp., et al.

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**IN RE MUTUAL FUNDS INVESTMENT LITIGATION**

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2004 APR 26 5 03 PM '04

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**DOCKET NO. 1586**

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